

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF NOVEMBER 26, 2002.

ATTENDANCE

COUNCIL: Louis C. Benjamin, Jr. (Chair - District 4), Jerry Trumps (Vice Chair - District 6), Bobby Badeaux (District 1), Robert Castille (District 2), Chris Williams (District 3), Lenwood Broussard (District 5), Marc Mouton (District 7), Rob Stevenson (District 8), Randy Menard (District 9)

ABSENT: None

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk of the Council) and Anne Patin (Senior Administrative Assistant)

ADMINISTRATIVE STAFF: Walter S. Comeaux, Jr. (City-Parish President), Glenn Weber (CAO), Becky LaLumia (Associate CAO/Finance Management), Benny Soulier (Director of Administrative Services), Chief Ronald Boudreaux (Police Department), Chief Robert Benoit (Fire Department), Robert Benoit (Director of Planning, Zoning and Codes), Gerald Boudreaux (Director of Parks & Recreation), Terry Huval (Utilities Director), Tim Breaux (Director of Community Development), John Raines (Public Works Director), Steve Dupuis (Legal Counsel), Tony Tramel (Director of Transportation)

COMMENCEMENT

(TAPE 1)(SIDE A)(000) AGENDA ITEM NO. 1: Call to order.

Chair Louis C. Benjamin, Jr. called the Regular Council Meeting of November 26, 2002 to order.

(TAPE 1)(SIDE A)(001) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Jerry Trumps cited the invocation and then led the Pledge of Allegiance.

EXECUTIVE/PRESIDENT'S REPORT

(TAPE 1)(SIDE A)(012) AGENDA ITEM NO. 3: President's Report.

No report.

ORDINANCE FOR FINAL ADOPTION

(TAPE 1)(SIDE A)(022) AGENDA ITEM NO. 4: O-278-2002 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance and the official map of the City of Lafayette, providing for the annexation of additional land into the corporate limits of the City of Lafayette, Louisiana, Case No. Z2002-021(A) Points of View et al Annexation, located generally east of Verot School Road south of La Neuville Road; and west of Verot School Road north of Millcreek Road, which is located within Council District No. 9 for voting purposes, and assigning zoning classifications of R-1-A (Single-Family Residential), R-1-B (Single-Family Residential), R-2 (Multi-Family Residential), B-T (Transitional Business), and B-G (General Business), motion to adopt by Menard, seconded by Trumps, and the vote was as follows:

YEAS: Castille, Benjamin, Broussard, Trumps, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Badeaux, Williams

RECUSED: None

Motion was unanimously approved.

Eleanor Lilly, Zoning Manager, explained that this portion is 113 acres on Verot School Road near La Neuville Road Extension. It is basically two different sets of properties. One is primarily the Points of View Subdivision and businesses located on the corner of La Neuville and Verot School Road. The other tract is farther down Verot School Road at Millcreek which is a completely vacant tract. In the Points of View Subdivision (approximately 63 acres) there are various appropriate residential zones, depending upon the existing lot sizes. There are five (5) businesses which have appropriate zoning as to not create any non-conforming uses. There is also a R-2 zoning for church property and some multi-family type townhouses. In the other

portion (the Lamb property), which is proposed for a neo-traditional development called “Old Town at Millcreek”, there is no development on the property, but it is proposed and already has an approved plat for a development with zoning assignments of R-2 and B-T. Zoning was based on the schematic design that has been approved for that subdivision. PZC does recommend the annexation and zoning and the Zoning Commission agreed with it.

COUNCIL RECOGNITION

(TAPE 1)(SIDE A)(079) Castille recognized Boy Scouts Nicholas Clardy, Troop 19 from Northside United Methodist Church and Robert Hess, Troop 156 from St. Mary Catholic Church. Both were working towards their Governmental Merit Badge.

REPORTS AND/OR DISCUSSION ITEMS

(TAPE 1)(SIDE A)(106) AGENDA ITEM NO. 5: Discussion

- a. Recognize Ms. Lisa Beyer.

Councilmember Mouton recognized Ms. Lisa Beyer, graduate of Acadiana High School and Foreign Editor of Time Magazine. For many years she has traveled to many countries covering foreign affairs. He then presented the “Distinguished Citizen Award” to Ms. Beyer.

Ms. Beyer thanked Councilmember Mouton and the Council for the award.

- b. Recognize Zonta Club representatives regarding Fire Prevention Week.

Councilmember Mouton then recognized Karen Lastelle, Maggie Shipman, Elizabeth Carrington, and JoAnn Pugh. He explained that the Zonta Club worked hand-in-hand with the Fire Department to teach school-age children about fire safety. Ms. Lastelle stated that the Fire Department passed out 10,000 posters to Lafayette Parish Students, 500 to 600 posters were returned and approximately 200 fire prevention awards were given out. An essay contest was held for grades 4 through 8 to further fire education and there were 140 entries and that was part of the 200 awards given out.

- c. Presentation of proclamation to Carencro Interact Club, Rotary North.

Peggy Benoit, Don Bertrand and Bruce Conque were recognized and gave a presentation on a service project involving Carencro Interact Club and Lafayette Rotary North to clean up the Parc du Lafayette on Jefferson Street. Slides were shown featuring students and adults cleaning and painting the interior of Parc du Lafayette. The Sponsor and students were then introduced. Present was Sponsor Erma Anderson, and students Jamie Anderson (President of Interact), Jennifer Young (Vice-President) and Katherine Roberts (Sergeant At Arms and Service Coordinator). A proclamation from the Council was then presented by Councilmember Williams.

Benoit added that another workday is being planned for December 14, 2002 and invited the Council to help.

- d. Recognize Mr. Horace Guidry to discuss W. Pont des Mouton project.

Castille presented the Council with a resolution from C.O.D.A. He stated that a meeting was held with the Public Works Director to discuss the recommended changes to the W. Pont des Mouton project and another meeting is planned for after the Thanksgiving holiday.

Mr. Guidry recommended a revision to the plan by changing the raised median to a fifth lane. He justified his recommendation by stating most of the traffic will be 18-wheelers coming and going through the industrial parks. He felt that after this project is complete it will bring more businesses to this industrial/commercial area thus even more traffic. This would give them better access to turn.

The following individuals were recognized:

J. W. Krantz, owner of 5 acres at the corner of Pont des Mouton and I-49 Service Road, supported the change from a median to a turning lane.

Upon questioning by Williams, Tramel explained that the Council voted unanimously to provide for a raised median section of roadway on Ambassador Caffery and Verot School Road. He added that if there was some decision to change at this time, the substantial amount of the project would have to be re-engineered.

Trumps requested that Logan follow up with cost information of re-engineering the project as well as the cost in time.

e. Discussion on COX Cable contract.

Castille began by stating that numerous phone calls are being made to the Council Office regarding questions on Cox Cable. He then mentioned that Mr. Steven Creeden, with Cox Cable, was present to address these issues.

Legal Counsel Steve Dupuis was called upon to give an overview. He stated that LCG has a non-exclusive franchise agreement with Cox Communications since October, 2000. It is a ten year, non-exclusive franchise agreement. In that agreement, it states that rate regulation is allowed by the Cable Act which is Federal law. Federal Law makes a distinction between two types of services. One is the basic service, the very lowest tier of service of broadcast channels and public, educational and government access. The Cable Act provides that the rates are set by the FCC and if the cable company wants to exceed the benchmark rate, it can do so by making a cost-of-service showing. It also provides that under certain situations the local franchiser, LCG, could elect to set rates only as to basic services, but in order to do so the local franchiser would have to be certified by the FCC, would have to provide proof of personal and ability to set those rates, would have to adopt rules which would be consistent with the FCC rules and would have to adopt procedural rules to allow for certain type hearings. The local government has no plans to do this. The other tiers, premium channels, Pay-per-view, etc., can not be regulated by the local government or the FCC.

Steve Creeden, Cox Communications, Inc., explained that they have to notify their customers, semi-annually, of the franchise holder, the address and phone number. He agreed to remove the Council phone number from the Cable bills. He then made the Council aware of an aggressive rate hike. He contributed the rate hike to 1) ESPN being added to basic cable. ESPN has averaged in excess of 20% rate increases to Cox annually due to the cost for professional sports, college sports and the contracts being awarded to the athletes, etc. These increases are passed along to the consumer who is the person who is driving the demand for these products; 2) expansion of 18 quality channels on the expanded channel line-up such as the Travel Channel, Theater Entertainment, Home & Garden TV, TV Land, MSMBC, Animal Planet, Comedy Central, Food Network, primarily at the request of the customers. 39 new channels have been added to Digital. 3) Cox has spent \$48,000,000 this year in up-grading the facilities, which include a new Call Center and a new \$4,800,000 master telecommunications center. He closed by stating that Cox does not have a choice in not passing on these costs to the customer if they are to stay competitive and to continue to deliver the quality customer service that their customers demand.

Upon questioning by the Council, Creeden explained the following:

- that Cox has Basic, which is 22 channels for \$15.50 per month; Standard, which is an additional 38 channels for \$23.80 per month; and two (2) levels of Digital, which is a selection of three (3) or four (4) packages of digital services (100 or more channels) up to \$15.00. Broussard expressed concern regarding the three (3) rate increases in one year.
- The new Call Center will have positions for up to 45 agents and will have the capability of transferring calls between Call Centers. Calls will be taken in a much better fashion.

- Two (2) shopping channels have been added to Basic because they are the channels most in demand.
- Several years ago, ESPN was taken off of Basic and placed on Standard due to price increases and the customers reacted negatively. As many people that did not want ESPN, there are more than that that wanted it because it fulfills a very keen niche in those people's programming.
- The rate for business customers on the internet service went from \$34.95 to \$59.95 effective November, 2002 due to businesses using more bandwidth than residential customers.
- The digital has 4 tiers. They are packaged with 3-tiers for \$11.00 and for all 4 tiers it is \$15.00.
- Regarding the "at will choice" what is being seen is a meltdown of all of the analog tiers, and a lot more flexibility on the digital side. A digital cable tuner in the home will allow the customer to do a lot of different things.
- Discounts for annual payments and automatic bank drafts are not encouraged because of the special offers and the choice to change levels of service during the year.
- Reductions on bills for outages are addressed now. They are not automatic and a customer must call in. The new master telecommunications center will implement status monitoring. He did not see an automatic credit policy ever being extended because of many externalities.

Upon questioning by Benjamin, Huval explained that as a result of Benjamin's inquiries, LUS has actually sent out letters to companies that are in the cable TV business to indicate to them that LUS has the fiber optic system and that there is some interest by Councilmembers to try to have competition in that industry. No responses have been received. They know it will be difficult, especially after Cox Communications just spent \$48,000,000 to upgrade. Benjamin then requested that Huval contact the Storer Company out of New Haven, Connecticut.

- f. Recognize John Raines for presentation on capital program, 911 Memorial, upcoming Operations Work Program, EQ program and general changes in Public Works.

Public Works Director John Raines explained that at the beginning of 2002, one of his employees, Richard Breaux, suggested a memorial for 911 using steel beams from the World Trade Center. After several attempts, Mr. Breaux was successful in obtaining the beams from New York. On September 11, 2002, a dedication was held unveiling a monument to 911. The beams are oriented the same way they were in the World Trade Center and stand 13 ½" tall which represent a 1/100th scale of the beams themselves at 1,350 feet tall. The Pentagon base is proportional to the size of the Pentagon. The Northwest portion of the base has been defaced to indicate the point of attack on September 11, 2001. Mr. Breaux was then presented a flag, which flew over the Pentagon, by Chair Benjamin. Breaux introduced his family and thanked the Council for the recognition.

Raines then listed the following projects on the Capital Program since Consolidated on June, 1996: Belle Terre Coulee, Bluebird Drive Extension, Camellia Boulevard (Johnston Street-side), Camellia Boulevard (Kaliste Saloom Road-side), Settlers Trace (from Steiner Road to Ambassador Caffery), turn lanes on Ambassador Caffery/Congress, Soundwalls at Camellia, Central Parks Network, the Clifton Chenier Center on Willow Street, turn lanes at Congress/Bertrand Drive, Edna Drive Coulee, Fire Station No. 12 (Kaliste Saloom Road), Fire Training Center, I-10 Frontage Road, Louisiana Frontage Roads, and the Robichaux Recreation Facility, totalling \$135,000,000 of completed projects.

Raines explained that much planning went into working towards getting several capital projects scheduled and completed, however; since Hurricane Lili, the entire work schedule and program have been disrupted. As of this date, Public Work crews are still dealing with hurricane debris and hope to complete pickup

soon and resume a normal schedule.

He then reported that 1618 requests were made to Public Works from property owners who had unsafe trees in their yards from Hurricane Lili (deadline was Friday, November 22, 2002 at 3:00 p.m.). Those requests have been delivered to F.E.M.A. and they are now in the process of assessing it. There are 10 teams in Lafayette right now, 2 persons from F.E.M.A. and a third supplemented from Public Works, going to all sites to assess. Once the decision is made to disqualify a property, a list will be compiled and given to civil or community organizations to see if they can provide assistance. Once sites are qualified, a bid packet will be drawn up for tree removal.

Trumps asked for the status of the soundwall along Ambassador Caffery at Congress. Raines reported that the final plans are finished, however; when walking the site, it was discovered that phone lines were in the rights of way. The telephone service has been notified to move it or LCG will have to bear additional cost to redesign to overcome the obstruction. Trumps asked to meet with Raines and Weber to pursue this issue with Bell South.

Upon questioning by Stevenson, Raines explained that he has not proceeded with the soundwall at Camellia at all. From the very beginning it was agreed to get the road and the bridge in and working. The money for the soundwall has been placed in a subsequent year so it's still coming forward. Stevenson rebutted that the money is in the 2003 budget and it would be a nice gesture to the people in that neighborhood to get that wall complete before there is traffic on Camellia. Raines agreed to look into it.

g. Update on salvage yards.

Stevenson explained that the City received a decision on Mr. Fitch's yard off of Ambassador Caffery Parkway. He asked that Assistant City-Parish Attorney John Mouton explain the decision.

Mouton explained that Mr. Fitch has been ordered to build a fence in compliance with the requirements of the 1998 amendment to the 1997 ordinance which requires a rigid fence capable of withstanding 100 mile per hour winds. It must be built around the entire perimeter of the site. A hearing is supposed to take place in January as to whether the existing fence would "fit the bill" but Raines assured that his engineers will testify that the black fabric fence will not comply. Since this decision in favor of LCG, a second suit against Mr. Fitch has been filed. The hearing should be in January, however; Mouton felt Mr. Fitch would have to concede that the fence he has built will not comply. In September another suit was sent to Fitch for a yard on Galbert Road. A demand letter was sent to Dien's Auto Salvage on Johnston St. on November 19th. On December 19th, if there is no fence around the Dien's property a suit will be filed against them along with a preliminary injunction ordering the closure of the facility or the construction of a fence. A hearing could be set as early as February or March of 2003.

Castille then thanked Floyd Johnson and Marcus Bruno, with the Neighborhood Action Team, for their work on the Breaux Bridge Highway situation.

h. Discuss feasibility of annexation of Aurora Park Subdivision.

Mouton explained that the residents of Aurora Park Subdivision have inquired about annexation due to the high utility bills. Mouton requested that Frank Thibeaux, Annexation Coordinator, contact the residents to start the process.

i. Discuss Lafayette Street reopening.

Mouton asked when Lafayette Street would be opened.

Raines stated that the purpose of closing Lafayette Street was for the public safety of the workers and driving motorists. This project should be complete by the end of the year and the street will be reopened. Trumps urged Raines to open

the street up as soon as possible and if Raines does need guidance to come before the Council again.

- j. Status report on Hog Alley drainage.

Raines explained that rights of way were a problem to obtain but all have been secured as of November 12th. Construction should start in 90 days, however; hurricane debris pickup may delay the start.

- k. Status report on Darby Coulee.

Raines reported difficulties on obtaining rights of way. Maxie Broussard is the agent on this project and he is still abstracting the property itself. The expropriation ordinance has been prepared and funds are being set aside for the expropriation process.

Menard requested that this update be sent to the residents of this area.

- l. Update on Shenandoah Drainage project.

Raines explained that a “pre-plan at hand” drawing has been submitted for review. Review of the plan was delayed when the Engineering Aide assigned to the plans was drafted for the hurricane monitoring service. That situation was turned around and a follow-up meeting is scheduled for right after the Thanksgiving holiday to walk-through the preliminary design. The bid date for this project should be January/February, 2003. Menard requested that a status report be forwarded to Mr. Brent Romero by Raines.

Menard then mentioned a letter to the editor from Ms. Lonnie Broussard regarding a Request for Service for her. She was concerned about the length of time it was taking to respond to her request and now she was told that the Hurricane pickup was pushing the request back further. He then stated that he was going to ask Ms. Broussard to call Raines or the City-Parish President.

- m. Update on Fortune Coulee Drainage through Maxie’s Mobile Valley all the way to Cypress Bayou Swamp.

Maniscalco explained that the Highway Department has finished its analysis and has indicated verbally that the crossing under Highway 90 is inadequate for a 50-year storm (their standard). They give some indication of what they feel like the reduction and water surface profile would be if they added two (2) additional pipe crossings to parallel the existing crossing indicating approximately 2 feet of change in water surface. They have not released any document or have not sent any hydraulic calculations. LCG needs that to finish the hydraulic analysis downstream. The surveying is complete, the cross-sections have been plotted downstream, and the channel (from Hwy 90 to Cypress Bayou Swamp) has been walked for any type of obstruction (none was found). It is hard to say that they will gain any benefit. The flood maps show they are in a flood zone. The hydraulic analysis will determine if it is feasible to do the project or not.

Upon questioning by Menard, regarding a letter to Mayor Langlinais from Raines dated October 31st, Raines explained that he received a request from Mayor Langlinais saying “you showed some budget documents with listed projects that went before the Council and could you tell me if those were funded?” Raines pulled up those that were approved and said “Those were funded.” Raines then agreed with Maniscalco that LCG needs to get the verification from the State as to what they are going to do before LCG follows up. He then reminded Menard that in the Parish budget projects are not separate line items but are lumped together. Depending on the rights of way, the design factors, etc., Public Works will proceed in that order as to which projects get done.

Menard then requested that the following letter be read for the record:

Attention: Randy Menard

Randy, please ask the Administration to answer fully 2 questions, please.

1) Who paid for cleaning the section of coulee located in the City of Broussard. As a Parish resident, I want to know why no work was done on the Parish part which needed it as much as the City's part. And also will the Parish get reimbursed for the City work done and when will they clean each side between Highways 182 and 90.

The only thing accomplished was to make 3 or 4 cuts on the Broussard side which will and has caused more water to get in the coulee faster causing our flooding to be worse.

2) After reading a letter sent to the Town of Broussard which was sent out in the Broussard Mayor's political package, it said that the cleaning of the coulee – including from Highway 182 to Bayou Tortue was included in the 2003 budget and would be done.

When I asked Randy about this, it was the first he had heard. After requesting from the Public Works Director an official letter to the Council about this, the letter stated – only if the funds were available.

Was the Broussard letter meant to help the Mayor's Campaign, if not why did he not write it the same as Randy Menard and the Council received.

The City of Lafayette is taking actions against a fireman who was conducting political action on the job. Why should the Public Works Director's position be any different. His letter was on City-Parish stationary.

Charles Chapman

Menard then explained that Mr. Chapman wanted an answer from the Administration so he is requesting that this letter be forwarded to Raines for a response.

n. Discuss revision of Transit Route 30 – Martin Luther King Route.

Item was pulled from discussion by Councilmember Williams.

COMMENTS FROM THE PUBLIC

(TAPE 2)(SIDE B)(185) AGENDA ITEM NO. 6: Comments from the public on other matters.

Elizabeth Dalfrey complained that no identification was requested at the recent election in Broussard. She asked what she could do so that this violation would not happen again.

Dupuis recommended that she write a letter of complaint to the Department of Justice Voting Rights Section explaining what happened. He also recommended she contact Donald Washington, U. S. Attorney, and Richard Iyoub, State Attorney General. Mouton also suggested that Ms. Dalfrey check with the Commissioner-in-Charge of that voting precinct.

Patrick Brasseaux stated that several months ago, he requested the amount paid to an out-of-state consultant for his expertise in writing the Noise Ordinance. He was sent several invoices and other material but not a final amount paid for the consultant. He asked why the ordinance was not being implemented.

Andrew Hebert stated he would like to rebut a presentation by Terry Huval on the Waterworks District North contract given at a previous meeting. He argued that LUS has given WWDN customers everything except putting the pipes in the ground and that LUS has giving service to people who don't own the system at a cheaper rate than given to the people who own it.

Huval answered Hebert by stating that he had given an invalid comparison. The WWDN customer pays more than the City of Lafayette customer. Hebert is quoting the rate for the wholesale water service. He minimized the cost of the infrastructure which is very expensive. The WWDN customer is charged for an operational service only. The only parts included in that infrastructure are the parts that actually support providing water to the WWDN. THE WWDN

customer pays approximately \$3.20 per 1,000 gallons. The LUS customer pays approximately \$1.65 per 1,000 gallons. Potable water service is not a source of fire protection. Much larger water lines are built in the City of Lafayette that provide fire protection. Fire protection water lines are not run to WWDN customers.

Menard commented that he would appreciate Mr. Hebert not coming up to the podium and continually trying to deceive people. This issue has been addressed over and over. He asked that Hebert tell the truth and let the people know the true facts and let them make their own decisions.

ADJOURN

(TAPE 2)(SIDE B)(535) There being no further business to come before the Council, Chair Benjamin declared the Regular Council Meeting adjourned.

NORMA A. DUGAS
CLERK OF THE COUNCIL